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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/473,558	12/29/1999	BIN CHI CHIOU	07850-056001	1117

26161 7590 10/24/2003

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225 FRANKLIN ST  
BOSTON, MA 02110

EXAMINER
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JAIN, RAJ K

ART UNIT	PAPER NUMBER
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2664

DATE MAILED: 10/24/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/473,558

Applicant(s)

CHIOU, BIN CHI

Examiner

Raj Jain

Art Unit

2664

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 29 December 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) 9-15 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 1999 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☒ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

During a telephone conversation with Mr. Frank Occhiuti on 14 August 2003 a provisional election was made without traverse to prosecute the invention of Bin Chi Chiou, for claims 1-8. Applicant in replying to this Office action must make affirmation of this election. Claims 9-15 withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Examiner also acknowledges applicants response via email on 21 August 2003 for election of claims 1-8.

### ***Drawings***

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Fig 1 as described in the specs states a port "130c", a correction is required to that effect. No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### ***Specification***

The abstract of the disclosure is objected to because the length is beyond the 150-word limit. Correction is required. See MPEP § 608.01(b).

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***Claim Objections***

Claim 1 objected to because of the following informalities: Line 11 replace the word “devices” to “device”, and line 14 replace “an” with “a”. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Line 21 claims “a second memory management device” however, there is no basis as no mention is made of “first memory management device”. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Bhardwaj (US Pat. 5,274,631).

Regarding claim 1, Bhardwaj discloses an Ethernet switch (see Fig 2) comprising: a plurality of network ports (see Fig 1), for receiving or delivering network packets;

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a first memory device (31-37), for storing the source address and associated messages of said network packets (see Fig 8);

a second memory device (310, 316 of Fig 8), for storing the data of the network packets received by the network ports;

a first memory control device (308), connected to said first memory device, for controlling the read and write of said first memory device;

a second memory control device (see Fig 8, 317, 309), connected to said second memory device, for controlling the read and write of said second memory device;

a switch device (39), connected to said plural network ports and said first memory control device, for creating a source address and associated messages of said network ports, creating a destination address and associated messages of said network port for said network packets in accordance with the contents of said first memory device, and managing the contents of said first memory device (see, col 4 L50-col 5 L36); and

a second memory management device (40), connected to said plural network ports and said second memory control device, for managing the contents of said second memory device.

→ space  
Regarding claim 2, Bhardwaj discloses a first network port and a second network port (see abstract and Figs 1 & 2).

Regarding claims 3 & 4, Bhardwaj discloses (see Fig 2) media independent interfaces (41-47), for connecting to local area networks (LAN) of various specifications.

Regarding claim 5, Bhardwaj discloses resetting of contents of memory via control port 308 (see Fig 8 and col 17 L 11-19)

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Regarding claim 6, Bhardwaj discloses the use of FIFO buffers for packet transmission (see Fig 8 and col 16 L12-53).

Regarding claim 7, Bhardwaj discloses packet switch routing and selection learning via the packet processors (31-37) and system processor (39), (see Figs 2 & 3 and col 7 L37-col 9 L28).

Regarding claim 8, Bhardwaj discloses packet arbitration via the multiplexing logic (40) (see Fig 2 and specs).


### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raj Jain whose telephone number is 703-305-5652. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 703-305-4366. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

RJ  
October 15, 2003

  
WELLINGTON CHIN  
SUPERVISORY PATENT EXAMINER  
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